

### **REMARKS**

The present communication responds to the Office Action dated January 12, 2007. In that Action, the Examiner rejected claims 1 and 13 under 35 U.S.C. § 112, first paragraph. The Examiner further rejected claims 1-10 and 12-18 under 35 U.S.C. § 103(a).

Claims 1-10 and 12-18 are hereby canceled, without prejudice, and claims 19-30, which generally correspond with claims allowed in the related European application, have been added. No new matter has been added by these amendments.

In view of the amendments and the following remarks, allowance of pending claims 19-30 is requested.

#### **Rejection under 35 U.S.C. § 112**

Claims 1 and 13 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, particularly because of the phrase “located in the same room as” recited in the claims. This rejection has been addressed, and overcome, by the above amendments, i.e., claims 1 and 13 have been canceled, and new claims 19-30 do not include the phrase. Withdrawal of the rejection is requested.

#### **Rejection under 35 U.S.C. § 103**

Claims 1-10, 12-14, 17, and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ciavattoni et. al. (U.S. Patent 3,665,682) in view of Goosen (U.S. Patent 5,019,060).

Claims 1-10, 12-14, 17, and 18 have been canceled, obviating the rejection.

New claim 19 is directed to a vacuum system. The vacuum system comprises, in part, “a decontamination unit in cooperation with the outlet.” Applicant’s specification states:

[T]he connector and/or filter box structures may be decontaminated before a subsequent use by providing a decontamination unit 20 which comprises a suitable container structure adapted to be coupled to the connector and/or filter box. For example, the decontamination unit may take the form of a

collapsible plastic container which contains a pre-measured amount of decontaminating, disinfecting, sterilizing or cleaning solution. *Para. [0028]*.

Neither Ciavattoni nor Goosen, alone or in combination, disclose or suggest “a decontamination unit in cooperation with the outlet.” Rather, Ciavattoni discloses an exhaust chamber 70 having filtering means 76:

[S]eparated gas is directed to exhaust chamber 70 via a connecting passageway which includes tubular member 72, connecting chamber 73, and line 74. The gas then passes through filtering means 76, and exhaust port 78 to the surrounding atmosphere.  
*Ciavattoni, Col. 4, ll. 49-54.*

The exhaust chamber does not include, or even relate to, a decontamination unit.

Goosen fails to remedy the fundamental disclosure deficiencies of Ciavattoni. Goosen discloses a liquid collection device for use with surgical procedures to control and monitor the rate of liquid flow from the body cavities of a patient. *Goosen, Col. 2, ll. 47-51*. Goosen does not disclose or suggest a decontamination device, much less a decontamination unit comprising “a collapsible container containing a pre-measured amount of decontaminant” as recited in claim 20.

Even if the asserted Ciavattoni/Goosen combination were deemed proper (it is not because there is no teaching or incentive to make the combination), for at least the preceding reasons, claim 19 is not made obvious by Ciavattoni in view of Goosen. Because claims 20-30 depend from claim 19, and incorporate all the limitations of claim 19, they are also not made obvious by Ciavattoni in view of Goosen.

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ciavattoni and Goosen in further view of Walker (U.S. Patent 5,195,995). They have been canceled, making the rejection moot.

With regard to new claims 19-30, the asserted Ciavattoni/GoosenWalker combination does not disclose or suggest “a decontamination unit” as recited. Neither Ciavattoni nor Goosen disclose or suggest a decontamination unit as recited in Claim 19.

Walker fails to remedy the fundamental disclosure deficiency of Ciavattoni and Goosen. Walker discloses a chest drainage apparatus for measuring gas flow or leakage from a patient's chest and a collection chamber for receiving fluid to be drained from a pleural cavity. *Walker, Abstract*. Walker does not disclose or suggest a decontamination unit.

Therefore, even if the asserted combination is deemed proper, claim 19 is not made obvious by Ciavattoni and Goosen in further view of Walker because the combination does not disclose or teach all the elements of the claim. This is also true of claims 20-30 because they depend from claim 19.

Conclusion

This response is being submitted on or before June 12, 2007, with the required fee of \$225.00 for a two-month extension of time, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

The application now stands in allowable form, and allowance is requested.

Respectfully submitted,

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Date: \_\_\_\_\_

*June 11, 2007*

By: \_\_\_\_\_

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